

REMARKS

Claim 43 is amended. No new claims are added. Claims 1-70 are pending for consideration. In view of the following remarks, Applicant respectfully requests reconsideration and allowance of the subject application.

CLAIM REJECTIONS**35 U.S.C. § 103**

Claims 1-5 and 9-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,999,932 to Paul in view of Applicant Admitted Prior Art (AAPA), U.S. Patent No. 6,199,102 to Cobb, and U.S. Patent No. 6,618,747 to Flynn et al (hereinafter "Flynn").

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul in view of AAPA, Cobb, Flynn, and U.S. Patent No. 5,459,717 to Mullan.

Claims 7-8 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paul in view of AAPA, Cobb, Flynn, and U.S. Patent No. 6,072,942 to Stockwell.

Claims 12-15, 24-27, 29, 30, 33-36, 38, 40 and 41 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cobb in view of AAPA, Flynn, Stockwell '942, and U.S. Patent No. 6,199,103 to Sakaguchi et al (hereinafter "Sakaguchi").

Claims 16, 23, 31, and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cobb in view of AAPA, Flynn, Stockwell '942, Sakaguchi, and Mullan.

1 Claims 17 and 37 stand rejected under 35 U.S.C. § 103(a) as being
2 unpatentable over Cobb in view of AAPA, Stockwell '942, Sakaguchi, and Flynn.

3 Claims 18, 28, and 39 stand rejected under 35 U.S.C. § 103(a) as being
4 unpatentable over Cobb in view of AAPA, Stockwell '942, Sakaguchi, and Paul.

5 Claims 19-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
6 over Sakaguchi in view of AAPA, Flynn, and Stockwell '942.

7 Claim 42 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
8 over Cobb in view of AAPA, Flynn, and Sakaguchi.

9 Claims 43-45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
10 over Cobb in view of AAPA, Paul, Sakaguchi, and U.S. Patent No. 6,144,934 to
11 Stockwell.

12 Claim 46 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
13 over Cobb in view of AAPA, Paul, Sakaguchi, Stockwell '934, and Mullan.

14 Claim 47 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
15 over Cobb in view of AAPA, Paul, Sakaguchi, Stockwell '934, and Stockwell
16 '942.

17 Claims 48 and 52 stand rejected under 35 U.S.C. § 103(a) as being
18 unpatentable over Paul in view of Flynn and AAPA.

19 Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
20 over Paul in view of Flynn, AAPA, and Stockwell '942.

21 Claim 50 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
22 over Paul in view of Flynn and AAPA.

23 Claim 51 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
24 over Paul in view of Flynn, AAPA, and Mullan.
25

1 Claims 53-57 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
2 over Paul in view of Flynn and Cobb.

3 Claim 58 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
4 over Paul in view of Flynn, Cobb and Mullan.

5 Claims 59 and 60 stand rejected under 35 U.S.C. § 103(a) as being
6 unpatentable over Paul in view of Flynn, Cobb, and Stockwell '942.

7 Claims 61-63 stand rejected under 35 U.S.C. § 103(a) as being unpatentable
8 over Paul in view of Cobb and Flynn.

9 Claims 64-67 and 69 stand rejected under 35 U.S.C. § 103(a) as being
10 unpatentable over Cobb in view of Flynn, Stockwell '942, and Sakaguchi.

11 Claim 68 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
12 over Cobb in view of Flynn, Stockwell '942, Sakaguchi, and Mullan.

13 Claim 70 stands rejected under 35 U.S.C. § 103(a) as being unpatentable
14 over Cobb in view of Flynn, Stockwell '942, Sakaguchi, and Paul.

15
16 **The New Secondary Reference – Flynn**

17 Flynn discloses a system and method for a user to verify receipt of an e-
18 mail message by an intended recipient. Rather than forwarding the email itself to
19 the intended recipient, Flynn's system sends the recipient a notification message.
20 The notification provides the recipient with a *unique electronic retrieval location*
21 on a mail server, such as a unique IP address. If an attachment accompanies the
22 email message, two unique IP addresses are provided, one for the email message
23 itself and one for the attachment. The notification message may have additional
24 information added to it prior to its delivery to the recipient. For example, the
25

1 sender's name and/or email address may be added. Or, an advertisement may be
2 added to the notification message.

3 Each recipient is provided with a *unique* address to retrieve their email
4 even when the recipient is merely receiving a copy of an email that has been
5 broadcast to a number of recipients. Flynn's system establishes one unique call
6 address for *each copy* of the email sent to a plurality of intended recipients.

7 When the recipient retrieves the email and attachments from their
8 respective addresses, Flynn's system notifies the sender that the email was
9 retrieved. Or, where a plurality of recipients have been sent the same email, the
10 sender may be notified only after all the recipients have retrieved their copies of
11 the email.

12 13 Claims 1-11

14 **Claim 1** recites an email filtering method comprising [emphasis added]:

- 15 • defining at least one heuristic that determines whether an
16 incoming email message likely constitutes unsolicited
17 commercial email by considering an established pattern that such
18 unsolicited commercial email typically exhibits when it is sent;
- 19 • applying said at least one heuristic to at least one email message
20 that is received by a web server that comprises part of a web-
21 based email system in which, for at least some users of the
22 system, a client user interface email environment is generated
23 through use of HTML or web pages; and
- 24 • redirecting said at least one email message if application of said
25 at least one heuristic indicates that said at least one email
message likely constitutes unsolicited commercial email,
• wherein said redirecting comprises placing a copy of the email
message at a location *not dedicated to storage of just one
particular user's email*.

1 In making out the rejection of this claim, the Office states that Paul in view
2 of AAPA and Cobb does not teach placing a copy of the email message at a
3 location not dedicated to storage of just one particular user's email. Applicant
4 agrees. The Office then argues that Flynn discloses this feature. Applicant
5 respectfully but strongly disagrees and traverses the Office's rejection.

6 In support of its position, the Office cites to column 2, lines 23-34 and 63-
7 67, and column 3, lines 22-30, all of which are reproduced below [emphasis
8 added]:

9 Only a notification that an email or an email plus an attachment is
10 awaiting retrieval is sent to the recipient and appears at their
11 computer. The notification provides the recipient with the *unique*
12 *electronic retrieval location(s)*, such as a *unique* IP address for an
13 email message or two unique email [sic] addresses for an email
14 accompanied by an attachment, located on a mail server to which the
15 recipient can direct their computer using software to retrieve the
16 data-string(s). *Each recipient is provided with a unique address to*
17 *retrieve their email even when the recipient is merely receiving a*
18 *copy of an email that has been broadcast to a number of recipients.*
19 *Col. 2, lines 23-34.*

20 . . . This message is simply a notice of the availability of the
21 electronic communication that provides an electronic address such as
22 a Uniform Resource Locator (URL) pointer to where the email is
23 posted on the Web. *Col. 2, lines 63-67.*

24 . . . 1. Sending an electronic communication comprising a data-
25 string.

2. Posting that data-string to a *unique* URL on a computer connected
to the Web for each unique data-string.

3. Notifying the recipient at a recipient IP address via email that they
have an electronic communication awaiting retrieval at a specified
unique Web URL address. *Col. 3, lines 22-30.*

1 As discussed above and noted in the excerpts cited, Flynn discloses that its
2 notification system provides the recipient with a *unique electronic retrieval*
3 *location* on a mail server. Flynn stresses this point when it states that "[e]ach
4 recipient is provided with a *unique* address to retrieve their email even when the
5 recipient is merely receiving a *copy* of an email that has been broadcast to a
6 number of recipients." In other words, Flynn's system redirects by placing a copy
7 of the email message at a location that *is* dedicated to storage of just one particular
8 user's email. Therefore, not only does Flynn fail to disclose or suggest the claimed
9 subject matter, it *teaches directly away* from Applicant's claimed redirection
10 feature. Accordingly, for at least this reason, this claim is allowable.

11 Claims 2-11 depend either directly or indirectly from claim 1 and are
12 allowable as depending from an allowable base claim. These claims are also
13 allowable for their own recited features which, in combination with those recited
14 in claim 1, are neither disclosed nor taught by the references of record, either
15 singly or in combination with one another. Given the allowability of these claims,
16 the rejections of claim 6 over the combination with Mullan, and claim 7-8 over the
17 combination with Stockwell '942, are not seen to add anything of significance.

18
19 **Claims 12-18**

20 **Claim 12** recites an email filtering method comprising [emphasis added]:

- 21
- 22 • receiving an email message at an email server that maintains
23 inboxes for individual recipients, wherein the email message is
24 addressed to a plurality of recipients, the email server comprising
25 part of an Internet-based email system in which, for at least some
users of the system, a client user interface email environment is
generated through use of HTML or web pages;

- calculating a score for the email message at the server location based upon at least one of (a) the size of the email message, and (b) the number of specified recipient addresses;
- comparing the score with a threshold value that defines a likelihood of whether an email message constitutes an unwanted email message;
- responsive to the email message exceeding the threshold value, placing a copy of the email message at a first location *other than an individual storage location dedicated to an individual intended recipient* of the email message; and
- sending a notification to the intended recipients that a copy of an email message that was intended for them has been placed at the first location.

In making out the rejection of this claim, the Office states that Cobb in view of AAPA does not teach placing a copy of the email message at a first location other than an individual storage location dedicated to an individual intended recipient of the email message. Applicant agrees. The Office then argues that Flynn discloses this feature. Applicant respectfully but strongly disagrees and traverses the Office's rejection.

In support of its position, the Office cites to column 2, lines 23-34 and 63-67, and column 3, lines 22-30, all of which were reproduced above.

As noted in the excerpts cited, Flynn discloses that its notification system provides the recipient with a *unique electronic retrieval location* on a mail server. Flynn stresses this point when it states that "[e]ach recipient is provided with a *unique* address to retrieve their email even when the recipient is merely receiving a *copy* of an email that has been broadcast to a number of recipients." In other words, Flynn's system places a copy of the email message at a location that *is* an individual storage location dedicated to an individual intended recipient. Therefore, not only does Flynn fail to disclose or suggest what the Office claims it does, Flynn *teaches directly away* from Applicant's claimed subject matter.

1 Additionally, the secondary references to Stockwell '942 and Sakaguchi neither
2 disclose nor suggest the claimed subject matter. Accordingly, for at least this
3 reason, this claim is allowable.

4 **Claims 13-18** depend from claim 12 and are allowable as depending from
5 an allowable base claim. These claims are also allowable for their own recited
6 features which, in combination with those recited in claim 12, are neither disclosed
7 nor taught by the references of record, either singly or in combination with one
8 another. Given the allowability of these claims, the rejections of claim 16 over the
9 combination with Mullan, and claim 18 over the combination with Paul, are not
10 seen to add anything of significance.

11
12 **Claims 19-23**

13 **Claim 19** recites a computer program stored on one or more computer
14 readable media for processing email and comprising the following steps [emphasis
15 added]:

- 16
- 17 • receiving an email message at a server location, the email
18 message being addressed to a plurality of recipients, the
19 server location comprising one or more servers that
20 comprise part of an Internet-based email system in which,
21 for at least some users of the system, a client user
22 interface email environment is generated by the system
23 through use of HTML or web pages that are sent via the
24 Internet to client devices and used by a browser executing
25 on a client device to render the user interface email
environment;
 - placing *only one copy* of the email message at a first
storage location that is *not a dedicated storage location*
for just one of the intended recipients; and
 - notifying each of the intended recipients that an email
message intended for them has been placed at the first
location.

1 In making out the rejection of this claim, the Office states that Sakaguchi in
2 view of AAPA does not teach placing only one copy of the email message at a
3 first storage location that is not a dedicated storage location for just one of the
4 intended recipients. Applicant agrees. The Office then argues that Flynn discloses
5 this feature. Applicant respectfully but strongly disagrees and traverses the
6 Office's rejection.

7 In support of its position, the Office cites to column 2, lines 23-34 and 63-
8 67, and column 3, lines 22-30, all of which were reproduced above.

9 As noted in the excerpts cited, Flynn discloses that its notification system
10 provides the recipient with a *unique electronic retrieval location* on a mail server.
11 Flynn stresses this point when it states that "[e]ach recipient is provided with a
12 *unique* address to retrieve their email even when the recipient is merely receiving
13 a *copy* of an email that has been broadcast to a number of recipients."
14 Furthermore, Flynn's system establishes one unique call address for *each copy* of
15 the email sent to a plurality of intended recipients. And, when a plurality of
16 recipients have been sent the same email, Flynn's system dictates that the sender
17 may be notified only after all the recipients have retrieved *their copies* of the
18 email. In other words, Flynn's system places *multiple copies* of the email message
19 at *multiple* storage locations that *are* dedicated storage locations for *each* of the
20 intended recipients. Therefore, not only does Flynn fail to disclose or suggest what
21 the Office claims it does, Flynn *teaches directly away* from Applicant's claimed
22 subject matter by specifying that each recipient gets *his own copy* of the email at a
23 *dedicated* storage location for *just that particular recipient*. Additionally, the
24
25

1 secondary reference to Stockwell '942 neither discloses nor suggests the claimed
2 subject matter. Accordingly, for at least this reason, this claim is allowable.

3 **Claims 20-23** depend from claim 19 and are allowable as depending from
4 an allowable base claim. These claims are also allowable for their own recited
5 features which, in combination with those recited in claim 19, are neither disclosed
6 nor taught by the references of record, either singly or in combination with one
7 another. Given the allowability of these claims, the rejection of claim 23 over the
8 combination with Cobb and Mullan is not seen to add anything of significance.

9
10 **Claims 24-33**

11 **Claim 24** recites a programmed email server that contains computer-
12 readable instructions which, when executed by the email server, perform the
13 following steps [emphasis added]:

- 14
- 15 • determining whether an email message that is received by the
16 email server likely constitutes an unwanted email message, the
17 email server comprising part of a web-based email system in
18 which, for at least some users of the system, a client user
19 interface email environment is generated through use of HTML
20 or web pages that are sent to client devices; and
 - 21 • if the email message likely constitutes an unwanted email
22 message:
 - 23 • storing a copy of the email message at a first storage location
24 *rather than individual storage locations that are dedicated to*
25 *individual intended recipients of the email message*; and
 - notifying intended recipients of the email message that an email
message addressed to them has been received by the server.

23 In making out the rejection of this claim, the Office states that Cobb in
24 view of AAPA does not teach storing a copy of the email message at a first storage
25

1 location rather than individual storage locations that are dedicated to individual
2 intended recipients of the email message. Applicant agrees. The Office then argues
3 that Flynn discloses this feature. Applicant respectfully but strongly disagrees and
4 traverses the Office's rejection.

5 In support of its position, the Office cites to column 2, lines 23-34 and 63-
6 67, and column 3, lines 22-30, all of which were reproduced above.

7 As noted in the excerpts cited, Flynn discloses that its notification system
8 provides the recipient with a *unique electronic retrieval location* on a mail server.
9 Flynn stresses this point when it states that "[e]ach recipient is provided with a
10 *unique* address to retrieve their email even when the recipient is merely receiving
11 a *copy* of an email that has been broadcast to a number of recipients." In other
12 words, Flynn's system stores a copy of the email message at storage locations that
13 *are* dedicated to individual intended recipients. Therefore, not only does Flynn fail
14 to disclose or suggest what the Office claims it does, Flynn *teaches directly away*
15 from Applicant's claimed subject matter. Additionally, the secondary references to
16 Stockwell '942 and Sakaguchi neither disclose nor suggest the claimed subject
17 matter. Accordingly, for at least this reason, this claim is allowable.

18 **Claims 25-33** depend from claim 24 either directly or indirectly and are
19 allowable as depending from an allowable base claim. These claims are also
20 allowable for their own recited features which, in combination with those recited
21 in claim 24, are neither disclosed nor taught by the references of record, either
22 singly or in combination with one another. Given the allowability of these claims,
23 the rejections of claim 28 over the combination with Paul, and 31-32 over the
24 combination with Mullan, are not seen to add anything of significance.

Claims 34-39

Claim 34 recites an email screening method comprising [emphasis added]:

- developing a profile of unsolicited commercial email based upon the size of an email message and the number of specified recipient addresses of the email message;
- configuring a mail server that is responsible for storing and distributing email messages to a plurality of clients with a filter processor that is programmed to evaluate email messages that are received in light of the developed profile, the mail server comprising part of a web-based email system in which, for at least some users of the system, a client user interface email environment is generated through use of HTML or web pages that are sent to client devices;
- evaluating email messages with the filter processor and determining whether the email messages fit the developed profile; and
- if an email message fits the developed profile, initiating a remedial measure that ensures that the mail server *does not make as many copies of the email message as there are specified recipient addresses*, yet still allows the email message to be accessible to at least one recipient.

In making out the rejection of this claim, the Office states that Cobb in view of AAPA does not teach if an email message fits the developed profile, initiating a remedial measure that ensures that the mail server does not make as many copies of the email message as there are specified recipient addresses. Applicant agrees. The Office then argues that Flynn discloses this feature. Applicant respectfully but strongly disagrees and traverses the Office's rejection.

In support of its position, the Office cites to column 2, lines 23-34 and 63-67, and column 3, lines 22-30, all of which were reproduced above.

As noted in the excerpts cited, Flynn discloses that its notification system provides the recipient with a *unique electronic retrieval location* on a mail server.

1 Flynn stresses this point when it states that "[e]ach recipient is provided with a
2 *unique* address to retrieve their email even when the recipient is merely receiving
3 a *copy* of an email that has been broadcast to a number of recipients."
4 Furthermore, Flynn's system establishes one unique call address for *each copy* of
5 the email sent to a plurality of intended recipients. And, when a plurality of
6 recipients have been sent the same email, Flynn's system dictates that the sender
7 may be notified only after all the recipients have retrieved *their copies* of the
8 email. In other words, Flynn's system initiates *no* remedial measure, but rather
9 makes *just as many copies* of the email message as there are specified recipient
10 addresses. Therefore, not only does Flynn fail to disclose or suggest what the
11 Office claims it does, Flynn *teaches directly away* from Applicant's claimed
12 subject matter by specifying that, *regardless of the number of specified recipient*
13 *addresses of a particular email*, a separate copy is made for *each and every*
14 recipient address. Additionally, the secondary references to Stockwell '942 and
15 Sakaguchi neither disclose nor suggest the claimed subject matter. Accordingly,
16 for at least this reason, this claim is allowable.

17 **Claims 35-39** depend either directly or indirectly from claim 34 and are
18 allowable as depending from an allowable base claim. These claims are also
19 allowable for their own recited features which, in combination with those recited
20 in claim 34, are neither disclosed nor taught by the references of record, either
21 singly or in combination with one another. Given the allowability of these claims,
22 the rejection of claim 39 over the combination with Paul is not seen to add
23 anything of significance.

Claims 40-41

Claim 40 recites an email delivery method comprising [emphasis added]:

- establishing a bulk email folder in which bulk email is to be stored;
- configuring an email server to receive email messages and deliver them *either* to multiple server storage locations that are dedicated to storing email messages for respective recipients *or to a single, shared location that can be shared by a plurality of the recipients*, the email server comprising part of an email system in which, for at least some users of the system, a client user interface email environment is generated through use of HTML or web pages that are sent to client devices;
- receiving an email message;
- comparing an address for the sender of the email message with a recipient's list of approved senders; and
- *delivering the email message to the single, shared location if:* (a) the email message is not directly addressed to a recipient that is serviced by the server, and (b) the sender's address does not appear in the recipient's list of approved senders.

In making out the rejection of this claim, the Office states that Cobb in view of AAPA does not teach an email server to receive email messages and deliver them to a single, shared location that can be shared by a plurality of the recipients. Applicant agrees. The Office then argues that Flynn discloses this feature. Applicant respectfully but strongly disagrees and traverses the Office's rejection.

In support of its position, the Office cites to column 2, lines 23-34 and 63-67, and column 3, lines 22-30, all of which were reproduced above

As noted in the excerpts cited, Flynn discloses that its notification system provides the recipient with a *unique electronic retrieval location* on a mail server. Flynn stresses this point when it states that "[e]ach recipient is provided with a *unique* address to retrieve their email even when the recipient is merely receiving

1 a *copy* of an email that has been broadcast to a number of recipients.”

2 Furthermore, Flynn’s system establishes one unique call address for *each copy* of
3 the email sent to a plurality of intended recipients. And, when a plurality of
4 recipients have been sent the same email, Flynn’s system dictates that the sender
5 may be notified only after all the recipients have retrieved *their copies* of the
6 email. In other words, Flynn’s system is configured to deliver email messages *only*
7 to multiple server storage locations that are dedicated to storing email messages
8 for respective recipients. Flynn’s system is *not* configured to deliver email
9 messages to a *single, shared location that can be shared by a plurality of the*
10 *recipients*. Therefore, not only does Flynn fail to disclose or suggest what the
11 Office claims it does, Flynn *teaches directly away* from Applicant’s claimed
12 subject matter. Additionally, the secondary references to Stockwell ‘942 and
13 Sakaguchi neither disclose nor suggest the claimed subject matter. Accordingly,
14 for at least this reason, this claim is allowable.

15 Claim 41 depends from claim 40 and is allowable as depending from an
16 allowable base claim. This claim is also allowable for its own recited features
17 which, in combination with those recited in claim 40, are neither disclosed nor
18 taught by the references of record, either singly or in combination with one
19 another.

20 21 Claim 42

22 Claim 42 recites an email screening method comprising [emphasis added]:

- 23 • developing a profile of unwanted email messages based upon
24 whether an email message is similar in content to another email
25 message;

- 1 • configuring a mail server that is responsible for storing email
2 messages for a plurality of clients with a filter processor that is
3 programmed to evaluate email messages that are received in light
4 of the developed profile, the mail server comprising part of an
5 email system in which, for at least some users of the system, a
6 client user interface email environment is generated through use
7 of HTML or web pages that are sent to client devices;
- 8 • evaluating email messages with the filter processor and
9 determining whether the email message fits the developed
10 profile; and
- 11 • if the email message fits the developed profile, placing a copy of
12 the email message in a first location and, *rather than placing*
13 *multiple copies of the email message in multiple dedicated*
14 *client storage locations*, notifying the multiple clients that an
15 email message addressed to them has been received so that the
16 clients can read the email message if they so desire.

17 In making out the rejection of this claim, the Office states that Cobb in
18 view of AAPA does not teach configuring a mail server that is responsible for
19 storing email messages for a plurality of clients and if the email message fits the
20 developed profile, placing a copy of the email message in a first location and,
21 rather than placing multiple copies of the email message in multiple dedicated
22 client storage locations. Applicant agrees. The Office then argues that Flynn
23 discloses this feature. Applicant respectfully but strongly disagrees and traverses
24 the Office's rejection.

25 In support of its position, the Office cites to column 2, lines 23-34 and 63-
67, and column 3, lines 22-30, all of which were reproduced above.

As noted in the excerpts cited, Flynn discloses that its notification system
provides the recipient with a *unique electronic retrieval location* on a mail server.
Flynn stresses this point when it states that "[e]ach recipient is provided with a
unique address to retrieve their email even when the recipient is merely receiving
a *copy* of an email that has been broadcast to a number of recipients."

1 Furthermore, Flynn's system establishes one unique call address for *each copy* of
2 the email sent to a plurality of intended recipients. And, when a plurality of
3 recipients have been sent the same email, Flynn's system dictates that the sender
4 may be notified only after all the recipients have retrieved *their copies* of the
5 email. In other words, Flynn's system *does* place *multiple copies* of the email
6 message in *multiple dedicated* client storage locations. Therefore, not only does
7 Flynn fail to disclose or suggest what the Office claims it does, Flynn *teaches*
8 *directly away* from Applicant's claimed subject matter. Additionally, the
9 secondary reference to Sakaguchi neither discloses nor suggests the claimed
10 subject matter. Accordingly, for at least this reason, this claim is allowable.

11 12 Claims 43-47

13 **Claim 43** recites an email screening method comprising [emphasis added]:

- 14 • *defining an index having values that are assigned to various*
15 *degrees of desirability* that an email message can have, wherein
16 the degrees of desirability extend from a low degree of
17 desirability to a high degree of desirability;
- 18 • associating a plurality of parameters having parameter values
19 with the various degrees of desirability, wherein at least some of
20 the parameters do not depend on any message that is conveyed
21 by any content of an email message;
- 22 • establishing a user interface through which a user can adjust
23 either (a) individual parameter values that, in turn, establish a
24 degree of desirability, or (b) index values that themselves
25 establish a degree of desirability that email messages must have
in order to be saved to dedicated user storage locations; and
- evaluating, using a computing device comprising part of an email
system in which, for at least some users of the system, a client
user interface email environment is generated through use of
HTML or web pages that are sent to client devices, incoming
email messages against the index value that is defined by the
user.

1 In making out the rejection of this claim, the Office states that Cobb in
2 view of AAPA and Paul does not teach evaluating incoming email messages
3 against the index value that is defined by the user. Applicant agrees. The Office
4 then argues that Sakaguchi teaches the following:

- 5 • defining an index having values that are assigned to various degrees
6 of desirability that an email message can have, wherein the degrees
7 of desirability extend from a low degree of desirability to a high
8 degree of desirability;
- 9 • establishing a user interface through which a user can adjust either
10 (a) individual parameters that, in turn, establish a degree of
11 desirability, that email messages must have in order to be saved; and
12 • evaluating incoming email messages against the index value that is
13 defined by the user.

14 The Office cites to column 6, lines 28-29, and column 6, line 56, through
15 column 7, line 5, to support its argument. Those excerpts are reproduced below:

16 The user can also see the data stored in the estimated junk electronic
17 mail storage section 6 . . . Col. 6, lines 28-29.

18 This process is repeated for all the junk electronic mail
19 determination conditions and the total value is adopted as the junk
20 degree of the electronic mail being evaluated at step ST2.

21 Whether or not the found junk degree exceeds a preset threshold
22 value is determined at step ST3. If the junk degree does not exceed
23 the threshold value, the similarity to the determination conditions
24 prepared based on junk electronic mail is low and thus the possibility
25 that the electronic mail may be non-junk electronic mail is high.
Then, the electronic mail is determined estimated non-junk
electronic mail at step ST4. On the other hand, if the junk degree
exceeds the threshold value, the similarity to the determination
conditions prepared based on junk electronic mail is high and thus

the possibility that the electronic mail may be junk is high. Then, the electronic mail is determined estimated junk electronic mail at step ST5. Col. 6, line 56, through col. 7, line 5.

Applicant respectfully but strongly disagrees with the Office's argument and traverses the Office's rejection. Sakaguchi does not disclose defining an index, as Applicant has defined and used that term in its specification. In order to aid the Office's understanding of the claimed subject matter, the Office is respectfully referred to page 17, line 12, through page 19, line 4, of the specification. That excerpt is set forth below [emphasis added]:

Desirability Index

In one embodiment, the concept of a desirability index is used to assess email messages. Fig. 7 shows one such exemplary index at 300. *The idea behind the desirability index is that index values, here 1-7, are assigned to various degrees of desirability that an email message can have.* The degrees of desirability range from a low desirability value of 1 to a high desirability value of 7. *The index values are associated with a plurality of parameters having parameter values.* For exemplary purposes only, Table 2 sets forth the index values that are cross-referenced against some example parameters.

Table 2

Index Values	Number of specified recipient addresses	Percentage of invalid specified recipient addresses	Larger than X bytes	Delivery time
1	>1000	>20%	>X	Between 11:30 P.M. and 3:30 A.M.
2	$0 < y \leq 200$	>10%	>X	Between 10:00 P.M. and 12:00 P.M.
3	$0 < y \leq 150$	5-15%	>X	Daytime
4	$0 < y \leq 100$	5-10%	<X	Daytime
5	≤ 30	0-10%	<X	Daytime
6	≤ 20	0-5%	<X	Daytime
7	≤ 20	0-3%	<X	Daytime

The parameters in this example include: the number of specified recipient addresses, the percentage of invalid specified recipient addresses, a size parameter, and a delivery time parameter. *The parameters each have values that correspond to the various index*

1 *values.* Some of the parameters do not depend on any message
2 conveyed by any content of an email message. The parameter
3 values are preferably adjustable so that different patterns of delivery
4 can be examined.

5 Fig. 8 shows a user interface 302 that can be used in connection with
6 desirability index 300. The user interface 302 is established so that a
7 user, client, or recipient can adjust either or both of the individual
8 parameter values or the index values. *If the user adjusts a
9 parameter value, then the index value associated with a certain
10 degree of desirability is made either more or less restrictive. If the
11 user adjusts the index value, then the user changes the degree of
12 desirability.* The email server then uses the *selected index value* to
13 assess and evaluate incoming email messages for the user.

14 For example, when an email message is received at the server
15 location, a score can be calculated based upon one or more of the
16 parameters. Any number or combination of parameters can be used.
17 In addition, parameters other than those specifically shown can be
18 used. *The score is then compared with an index value that is
19 selected by a user or recipient. In this manner, the user-selected
20 index value represents a threshold value.* The index or threshold
21 value defines a likelihood that a particular email message will
22 constitute an unwanted email message. If an email message's score
23 exceeds the threshold value (here, in the negative direction), then the
24 email message likely constitutes one that a user or recipient does not
25 want. If this is the case, the server can then place a copy of the
email message at storage location 44 (Fig. 5) and send notifications
to the intended recipients.

19 As shown above, particularly in Table 2, Applicant's index value is an
20 *abstraction* of a group of one or more parameters. For a given piece of email, a
21 score can be calculated based upon the one or more parameters. Both parameter
22 values and index values can be adjusted by the user. The score is then compared
23 with the *index value* that is selected by a user or recipient to determine whether
24 the email likely constitutes an unwanted message.

1 In contrast, Sakaguchi's system generates a junk degree based upon
2 extracted keywords. If the junk degree exceeds a pre-set threshold, the mail is
3 determined estimated junk electronic mail. Applicant respectfully submits that
4 Sakaguchi does not teach or suggest defining an index, as that term is defined and
5 used by Applicant. Rather, Sakaguchi's system is based upon a single *parameter*.
6 Applicant's Table 2 contains several examples of parameters. For example, if the
7 number of specified recipient addresses of a particular email is 25, the associated
8 index value would be 5. In Applicant's system, incoming email messages are
9 evaluated against the *index value* defined by the user. Therefore, if the user selects
10 an index value of 6 as a threshold, the email likely constitutes unwanted email
11 because index value 5 is less than selected index value 6. However, if the user
12 selects an index value of 4, the email likely does not constitute unwanted email
13 because index value 5 is greater than selected index value 4. If Sakaguchi were to
14 use the same parameter (which it does not), it would compare the parameter value
15 of 25 with the threshold value of 30. Sakaguchi's system would then immediately
16 label the email as estimated junk electronic mail or estimated nonjunk electronic
17 mail with no further abstraction from parameter value to index value.

18 Accordingly, for at least this reason, this claim is allowable.

19 **Claims 44-47** depend from claim 43 and are allowable as depending from
20 an allowable base claim. These claims are also allowable for their own recited
21 features which, in combination with those recited in claim 43, are neither disclosed
22 nor taught by the references of record, either singly or in combination with one
23 another. Given the allowability of these claims, the rejection of claim 46 in
24 combination with Mullan is not seen to add anything of significance.

Claims 48-52

Claim 48 recites an email server system comprising [emphasis added]:

- a user storage database configured to store user information including email messages that are intended for individual users; and
- a server configured to receive email messages that are intended for various users and store the email messages in dedicated user storage locations within the user storage database;
- wherein the server is further configured to screen email messages based upon a set of heuristics that determine whether an email message likely constitutes an unwanted email message, the server further being configured to place a *single copy* of an email message in a storage location that is *not a dedicated user storage location* if it is determined by screening the email message that it likely constitutes an unwanted email message, said system comprising an Internet-based system that is configured to send email messages to users in a format in which a user's browser application processes the email messages and provides a user interface for a user to view the email messages.

In making out the rejection of this claim, the Office states that Paul does not teach placing a single copy of an email message in a storage location that is not a dedicated user storage location. Applicant agrees. The Office then argues that Flynn discloses this feature. Applicant respectfully but strongly disagrees and traverses the Office's rejection.

In support of its position, the Office cites to column 2, lines 23-34 and 63-67, and column 3, lines 22-30, all of which were reproduced above.

As noted in the excerpts cited, Flynn discloses that its notification system provides the recipient with a *unique electronic retrieval location* on a mail server. Flynn stresses this point when it states that "[e]ach recipient is provided with a *unique* address to retrieve their email even when the recipient is merely receiving a *copy* of an email that has been broadcast to a number of recipients."

1 Furthermore, Flynn's system establishes one unique call address for *each copy* of
2 the email sent to a plurality of intended recipients. And, when a plurality of
3 recipients have been sent the same email, Flynn's system dictates that the sender
4 may be notified only after all the recipients have retrieved *their copies* of the
5 email. In other words, Flynn's system is configured to place *multiple copies* of an
6 email message in storage locations that *are* dedicated user storage locations.
7 Therefore, not only does Flynn fail to disclose or suggest what the Office claims it
8 does, Flynn *teaches directly away* from Applicant's claimed subject matter.
9 Accordingly, for at least this reason, this claim is allowable.

10 **Claims 49-52** depend from claim 48 and are allowable as depending from
11 an allowable base claim. These claims are also allowable for their own recited
12 features which, in combination with those recited in claim 48, are neither disclosed
13 nor taught by the references of record, either singly or in combination with one
14 another. Given the allowability of these claims, the rejections of claim 49 over the
15 combination with Stockwell '942, claim 50 over the combination with Cobb, and
16 claim 51 over the combination with Mullan, are not seen to add anything of
17 significance.

18
19 **Claims 53-57**

20 **Claim 53** recites an email filtering method comprising [emphasis added]:

- 21
- 22 • defining at least one heuristic that determines whether an incoming
23 email message likely constitutes unsolicited commercial email by
24 considering an established pattern that such unsolicited commercial
25 email typically exhibits when it is sent;
 - applying said at least one heuristic to at least one email message; and
 - redirecting said at least one email message if application of said at
least one heuristic indicates that said at least one email message

likely constitutes unsolicited commercial email, wherein said redirecting comprises placing a copy of the email message at a location *not dedicated to storage of just one particular user's email*.

In making out the rejection of this claim, the Office states that Paul does not teach placing a copy of the email message at a location not dedicated to storage of just one particular user's email. Applicant agrees. The Office then argues that Flynn discloses this feature. Applicant respectfully but strongly disagrees and traverses the Office's rejection.

In support of its position, the Office cites to column 2, lines 23-34 and 63-67, and column 3, lines 22-30, all of which were reproduced above.

As noted in the excerpts cited, Flynn discloses that its notification system provides the recipient with a *unique electronic retrieval location* on a mail server. Flynn stresses this point when it states that "[e]ach recipient is provided with a *unique* address to retrieve their email even when the recipient is merely receiving a *copy* of an email that has been broadcast to a number of recipients." In other words, Flynn's system redirects by placing a copy of the email message at a location that *is* dedicated to storage of just one particular user's email. Therefore, not only does Flynn fail to disclose or suggest the claimed subject matter, it *teaches directly away* from Applicant's claimed redirection feature. Additionally, the secondary reference to Cobb neither discloses nor suggests the claimed subject matter. Accordingly, for at least this reason, this claim is allowable.

Claims 54-63 depend from claim 53 and are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 53, are neither disclosed nor taught by the references of record, either singly or in combination with one

1 another. Given the allowability of these claims, the rejections of claim 58 over the
2 combination with Mullan, and claim 59 over the combination with Stockwell '942,
3 are not seen to add anything of significance.

4
5 **Claims 64-70**

6 **Claim 64 recites an email filtering method comprising [emphasis added]:**

- 7
- 8 • receiving an email message at an email server that maintains inboxes
9 for individual recipients;
 - 10 • calculating a score for the email message at the server location based
11 upon at least one of (a) the size of the email message, and (b) the
12 number of specified recipient addresses;
 - 13 • comparing the score with a threshold value that defines a likelihood
14 of whether an email message constitutes an unwanted email
15 message;
 - 16 • responsive to the email message exceeding the threshold value,
17 placing a copy of the email message at a first location *other than an*
18 *individual storage location dedicated to an individual intended*
19 *recipient* of the email message; and
 - 20 • sending a notification to the intended recipients that a copy of an
21 email message that was intended for them has been placed at the first
22 location.

23
24 In making out the rejection of this claim, the Office states that Cobb does
25 not teach placing a copy of the email message at a first location other than an
individual storage location dedicated to an individual intended recipient of the
email message. Applicant agrees. The Office then argues that Flynn discloses this
feature. Applicant respectfully but strongly disagrees and traverses the Office's
rejection.

26
27 In support of its position, the Office cites to column 2, lines 23-34 and 63-
28 67, and column 3, lines 22-30, all of which were reproduced above.

1 As noted in the excerpts cited, Flynn discloses that its notification system
2 provides the recipient with a *unique electronic retrieval location* on a mail server.
3 Flynn stresses this point when it states that "[e]ach recipient is provided with a
4 *unique* address to retrieve their email even when the recipient is merely receiving
5 a *copy* of an email that has been broadcast to a number of recipients." In other
6 words, Flynn's system places a copy of the email message at a location that *is* an
7 individual storage location dedicated to an individual intended recipient.
8 Therefore, not only does Flynn fail to disclose or suggest what the Office claims it
9 does, Flynn *teaches directly away* from Applicant's claimed subject matter.
10 Additionally, the secondary references to Stockwell '942 and Sakaguchi neither
11 disclose nor suggest the claimed subject matter. Accordingly, for at least this
12 reason, this claim is allowable.

13 **Claims 65-70** depend from claim 64 and are allowable as depending from
14 an allowable base claim. These claims are also allowable for their own recited
15 features which, in combination with those recited in claim 64, are neither disclosed
16 nor taught by the references of record, either singly or in combination with one
17 another. Given the allowability of these claims, the rejections of claim 68 over the
18 combination with Mullan, and claim 70 over the combination with Paul, are not
19 seen to add anything of significance.

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2 **Conclusion**

3 All of the claims are in condition for allowance and Applicant respectfully
4 requests a Notice of Allowability be issued forthwith. If the next anticipated
5 action is to be anything other than issuance of a Notice of Allowability, Applicant
6 respectfully requests a telephone call for the purpose of scheduling an interview.
7

8 Respectfully Submitted,

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10 Dated: 4/15/04

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